

mental health services, and to support foster parents. Through Senator DEWINE's commitment the status of children in the child welfare system has improved greatly, and with his sure hand I am confident it will continue to improve. There is much work to be done. In addition, \$6 million was included in the conference report on behalf of the House Chairman RODNEY FRELINGHUYSEN to renovate school libraries in the District of Columbia public schools which will enable many more of the 65,000 student in the system to enjoy books and technology.

Great communities need great schools. This bill includes \$26 million for public education in support of the committee's goal to improve education in the District, evenly divided between traditional public schools and public charter schools. A new superintendent has been hired for the D.C. Public School system, Dr. Clifford Janey, and we are excited about his energy to reform and improve and want to support his efforts as strongly as possible. This bill includes certain tools to contribute to Dr. Janey's work.

In our public schools we must recognize and reward excellence. We must acknowledge and eliminate failure. This bill directs a total of \$4 million for a new incentive grant program for public education improvement in both traditional public schools and public charter schools. These grants will be awarded to the principal of high-performing or significantly improved public schools to reward their good work. A reward is a powerful incentive to build on success and meet some of the areas which can make their school thrive. I want to take this opportunity to recognize the House chairman and ranking member for their support of this new program which will contribute to reinvigorating our public schools.

The second prong of the School Improvement Fund, \$13 million for public charter schools, is a contribution to strengthen the chartering system. With 42 charters granted to date, the highest number of charter schools per capita, is a leader in the effort to use charter schools to spur system-wide improvement from within our system of public education. Senator DEWINE and I maintain our commitment to serve as a full and equal partner in this endeavor.

Strengthening charter schools, which were created in the District by Congress in the 1995 School Reform Act, is a primary tenet of our work to improve education. Pursuant to Section 120 of P.L. 106-522, the FY 01 DC Appropriations Act, the local government is prohibited from amending the School Reform Act. Therefore, Congress has continued our oversight responsibility of the charter school law this year. The bill fortifies the environment where strong, accountable, academically excellent charter schools flourish.

Finally, the conference report begins a new investment in the administration of justice in the District by con-

tributing \$8 million to the construction of a new forensics lab, a top priority for the Mayor and council. This laboratory will alleviate contract pressure D.C. imposes on other Federal agencies, such as the FBI, to complete local forensic work and ensure timely processing of lab work, such as DNA tests. The bill also contributes to security and emergency preparedness in the Nation's capital with \$21 million to bolster the police and first responders. This includes the annual payment of \$15 million for security of Federal installations in the city and to enable the police presence now required. The conferees also provide \$6 million to complete the Unified Communications Center which will coordinate all first responders in the capital region. In addition to all of the important investments in the District, there is \$7.8 million for cleaning up the Anacostia River and providing recreation for the entire region and \$2.5 million for transportation improvements.

I would like to close by thanking the Mayor of the District of Columbia, Anthony Williams, the entire Council, particularly the Chair Linda Cropp, and the D.C. Delegate to Congress EL-EANOR HOLMES NORTON for their many contributions and advice in developing this bill. The D.C. Appropriations Subcommittee has a unique role to fund certain aspects of the city government and we could not do that well without the guidance of the elected representative of the city's residents. They are great partners for Chairman DEWINE and I to ensure the bill meets the needs of the District. I am especially pleased this year that we are passing the final budget so early in the fiscal year, because the city's local budget, nearly \$8 billion, of locally-generated tax dollars, must be approved as part of this bill.

I appreciate the chairman's consideration and our ability to work together so well. And finally, no bill could be completed without the diligent work of our staff, Mary Dietrich for Senator DEWINE and Kate Eltrich and Kathleen Strotzman on my staff. This year has been blessed by a comity not often observed in the Congress in regards to our Capital City, and I thank all my colleagues for their commitment to a positive year and a first-rate bill for the District.

Mr. McCONNELL. Mr. President, was that the reading of the DC conference report?

The PRESIDING OFFICER. Yes.

Mr. McCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4850, the DC appropriations bill, provided that the conference report be adopted, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 450, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 450) to authorize testimony and representation of the United States v. Daniel Bayly, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony and representation in a criminal case arising out of the Enron debacle. The Justice Department's Enron Task Force has brought a case in Federal court in Texas against six individuals formerly associated with the Enron Corporation and Merrill Lynch. The indictment alleges conspiracy, false statements, obstruction of justice, and perjury relating to transactions involving offshore power barges. The Government alleges that Enron in essence parked assets with Merrill Lynch to enhance fraudulently Enron's financial statements.

The transactions at the center of this case were the subject of extensive investigation and a hearing by the Permanent Subcommittee on Investigations of the Committee on Government Affairs during the last Congress. In the course of the subcommittee's investigation, subcommittee staff interviewed two of the individuals who are now on trial, about these transactions.

Last Congress the Senate agreed to Senate Resolution 317, authorizing the Permanent Subcommittee on Investigations to cooperate with requests from law enforcement agencies for access to subcommittee records from its Enron investigation. In June of this year, the Senate agreed to Senate Resolution 394, authorizing a former subcommittee counsel and a subcommittee detailee who interviewed the defendants to testify at this trial.

The trial of this case began on September 20, 2004, in Houston. One of the defendants has now additionally subpoenaed a former subcommittee employee and a former detailee to testify about the same events. Accordingly, this resolution would authorize the former subcommittee staff to testify at this trial with representation by the Senate Legal Counsel.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 450) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 450

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse to Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, by Senate Resolution 394, 108th Congress, the Senate authorized testimony and legal representation of a former employee of, and a detailee to, the Permanent Subcommittee on Investigation in the case of *United States v. Daniel Bayly, et al.*, Cr. No. H-03-363, pending in the United States District Court for the Southern District of Texas;

Whereas, in the case of *United States v. Daniel Bayly, et al.*, subpoenas for testimony have been issued to Claire Barnard, a former employee of, and Edna Falk Curtin, a former detailee to, Permanent Subcommittee on Investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Claire Barnard and Edna Falk Curtin are authorized to testify in the case of *United States v. Daniel Bayly, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claire Barnard and Edna Falk Curtin in connection with the testimony authorized in section one of this resolution.

FAMILY FARMER BANKRUPTCY RELIEF ACT OF 2004

Mr. MCCONNELL. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2864, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2864) to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing legislation to renew and extend family farmer bankruptcy protection through June 30, 2005.

Senator GRASSLEY and I introduced the Family Farmer Bankruptcy Relief Act, S. 2864, to retroactively renew and temporarily extend these protections that our farmers have come to rely

upon because Chapter 12 of the Bankruptcy Code expired on January 1, 2004. Representative TAMMY BALDWIN and Representative NICK SMITH have introduced companion legislation in the House of Representatives.

But our bipartisan legislation is just a short-term fix. We need to stop playing politics and permanently reauthorize the Chapter 12 family farmer protections.

Too many family farmers have been left in legal limbo in bankruptcy courts across the country because Chapter 12 of the Bankruptcy Code is still a temporary measure. This is the eleventh time that Congress must act to restore or extend basic bankruptcy safeguards for family farmers because Chapter 12 is still a temporary provision despite its first passage into law in 1986. Our family farmers do not deserve these lapses in bankruptcy law that could mean the difference between foreclosure and farming.

Mr. President, I ask unanimous consent that a letter from many representatives of family farmers that underscores the need for renewing the Chapter 12 bankruptcy protections be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. It is time to end this absurdity and make these bankruptcy protections permanent. Everyone agrees that Chapter 12 has worked. It is time for Congress to make Chapter 12 a permanent part of the Bankruptcy Code to provide a stable safety net for our Nation's family farmers.

I will continue to work with Senator GRASSLEY, Senator FEINGOLD, Representative BALDWIN, Representative NICK SMITH and others on both sides of the aisle to pass legislation that once and for all assures our farmers of permanent bankruptcy protections to help them keep their farms. In the meantime, the House of Representatives should quickly pass the Family Farmer Bankruptcy Relief Act and end the current lapse in basic bankruptcy protections for our family farmers.

OCTOBER 6, 2004.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The undersigned organizations urge immediate passage of S. 2864 that reinstates Chapter 12 bankruptcy provisions of our nation's family farmers. Since January 1, 2004 farmers facing serious financial problems resulting from low commodity prices, increasing production costs, and natural disasters have not been able to consider filing a Chapter 12 bankruptcy.

The need for a separate bankruptcy code that enables farmers to stay on the land while reorganizing their debt is as urgent now as it was in 1986 when initially enacted by Congress. This lapse in coverage results in farmers having to face foreclosure and liquidation. Instead, Chapter 12 would offer farmers the opportunity to negotiate with their creditors. This benefits the farm family, their creditors and rural businesses.

Please act quickly. Every day that Congress delays on Chapter 12 has a direct cost

to our nation's family farmers and rural communities.

Sincerely,

American Corn Growers Association.
Association of Chapter 12 Trustees.
Community Food Security Coalition.
Family Farm Defenders.
Farm Aid.
Farm Wives United (New York).
Federation of Southern Cooperatives.
Livestock Marketing Association.
National Bankruptcy Conference.
National Catholic Rural Life Conference.
National Family Farm Coalition.
National Farmers Union.
New York Sustainable Agriculture Working Group (NYSAWG).
Northeast States Association for Agricultural Stewardship (NSAAS).
Rural Advancement Foundation International (RAFI-USA).
Rural Coalition/Coalicion Rural.
Southern Sustainable Agriculture Working Group (SSAWG).
Soybean Producers of America.
Women, Food, and Agriculture.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2864) was read the third time and passed as follows:

S. 2864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Farmer Bankruptcy Relief Act of 2004".

SEC. 2. EIGHTEEN-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11, UNITED STATES CODE, IS REENACTED.

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105-277 (11 U.S.C. 1201 note) is amended—

(1) by striking "January 1, 2004" each place that term appears and inserting "July 1, 2005"; and

(2) in subsection (a)—

(A) by striking "June 30, 2003" and inserting "December 31, 2003"; and

(B) by striking "July 1, 2003" and inserting "January 1, 2004".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) are deemed to have taken effect on January 1, 2004.

NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 771, H.R. 2608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2608) to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I wish to speak in relation to the H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act,